



**THE ATTORNEY GENERAL  
OF TEXAS**

October 29, 1986

**JIM MATTOX  
ATTORNEY GENERAL**

Mr. John R. Hale  
Commissioner  
Texas Credit Union Department  
914 East Anderson Lane  
Austin, Texas 78752-1699

Open Records Decision No. 446

Re: Whether information regarding  
a state-chartered credit union is  
excepted from disclosure under the  
Open Records Act, article 6252-17a,  
V.T.C.S.

Dear Mr. Hale:

You have received a request for information about a state-chartered credit union regulated by the Texas Credit Union Department. The following information was requested:

1. Monthly financial statements of the credit union since June 30, 1985.
2. Any other periodic financial statements, including annual, issued since June 30, 1985, on the credit union.
3. Any accounting or accountants' statements accompanying items 1 or 2.
4. Any reports of evaluations of the credit union by the State of Texas Credit Union Department since January 1, 1975, which are not immune from public disclosure under Texas freedom of information law.

You have enclosed copies of the following documents:

1. Monthly financial statements of the credit union from June 30, 1985, through February 28, 1986.
2. The annual report of the credit union dated January 30, 1986.
3. The examination report of the credit union for the period May 1, 1985 through January 31,

1986. We have examination reports since January 1, 1975, and they are similar in format to this one.

4. An interoffice memorandum concerning the examination of the credit union, dated April 15, 1986.

You contend that the requested information is excepted from public disclosure pursuant to section 3(a)(12) of the Open Records Act, article 6252-17a, V.T.C.S., which provides as follows:

(12) information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act;

You also point out the following provision of the Texas Credit Union Act:

(b) All information, except statements intended for publication, obtained by the department relative to the financial conditions of credit unions, whether obtained through examination or otherwise, and all files and records of the department relative to that information are confidential and not for public record or inspection. The commissioner may disclose to the commission any information, files, or records pertinent to any hearing or matter pending before the commission or the commissioner. If the commissioner determines it is necessary or proper for the enforcement of the laws of this state applicable to credit unions or rules adopted under those laws, the commissioner may disclose any files, records, or other information of the department to the Texas Share Guaranty Credit Union or any department, agency, or instrumentality of this state or the United States.

V.T.C.S. art. 2461, §11.12(b). You state that distribution of the materials obtained from the credit union is limited to the board of directors of the credit union and the Credit Union Department. Therefore, none of this information is "intended for publication."

We have examined the documents you have submitted and agree that they are excepted from public disclosure under the Open Records Act. Open Records Decision No. 28 (1974) determined that the balance sheet of a credit union was excepted from public disclosure by section 3(a)(12) of the Open Records Act. Open Records Decision No. 187 (1978) concluded that section 3(a)(12) of article 6252-17a, V.T.C.S., applied to information about the current and projected financial condition and operations of a credit union.

The financial statements of the credit union, its annual report, and the Credit Union Department's report and memorandum concerning the examination of the credit union are "examination, operating, or condition reports prepared by, on behalf of, or for the use of" the Credit Union Department. Accordingly, they are excepted from public disclosure by section 3(a)(12) of the Open Records Act. In addition, the information is also rendered confidential by section 11.12(b) of article 2461, V.T.C.S. As information deemed confidential by statutory law, they are excepted from public disclosure by section 3(a)(1) of the Open Records Act. Accordingly, these documents are not subject to required public disclosure under the Texas Open Records Act.

Very truly yours,

A handwritten signature in black ink that reads "Jim Mattox". The signature is stylized with a large, sweeping "J" and "M".

J I M M A T T O X  
Attorney General of Texas

JACK HIGHTOWER  
First Assistant Attorney General

MARY KELLER  
Executive Assistant Attorney General

RICK GILPIN  
Chairman, Opinion Committee

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